

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE AVALOS,

Defendant.

8:13CR88

ORDER

This matter is before the court on the government's motion to continue trial [96] due to the unavailability of the case agent. The defendant has filed an objection [97]. The court finds the case agent is a necessary witness and will deny the defendant's objection. Good cause being shown, the trial will be continued.

IT IS ORDERED that:

1. The Motion to Continue Trial [96] is granted. The Objection to Motion to Continue Trial [97] is denied.
2. The jury trial now set for July 29, 2013 is continued to **August 26, 2013**.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and August 26, 2013** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. The ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

DATED July 16, 2014.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge